

105TH CONGRESS  
1ST SESSION

# H. R. 752

To amend the Endangered Species Act of 1973 to ensure that persons that suffer or are threatened with injury resulting from a violation of the Act or a failure of the Secretary to act in accordance with the Act have standing to commence a civil suit on their own behalf.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1997

Mrs. CHENOWETH (for herself, Mr. YOUNG of Alaska, Mr. SMITH of Oregon, Mr. POMBO, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. CRAPO, Mr. BARTLETT of Maryland, Mr. TAUZIN, Mr. RIGGS, Mr. BONO, Mr. CUNNINGHAM, Mr. HANSEN, Mr. SAM JOHNSON of Texas, Mr. ROHRABACHER, Mr. KOLBE, Mr. STUMP, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. MCINTOSH, Mr. GIBBONS, Mr. HERGER, Mr. BARTON of Texas, Mr. BUNNING, Mr. HOSTETTLER, Mr. SNOWBARGER, Mr. DICKEY, Mr. BURTON of Indiana, Mr. CANNON, Mr. ISTOOK, Mr. ADERHOLT, Mr. COMBEST, Mr. NEUMANN, Mr. HILL, Mr. SOLOMON, Mr. METCALF, Mrs. CUBIN, Mr. CRANE, Mr. BARR of Georgia, Mr. COOKSEY, Mr. NEY, Mr. DELAY, Mr. HUNTER, Mr. PETERSON of Pennsylvania, Mr. BONILLA, and Mr. McKEON) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Endangered Species Act of 1973 to ensure that persons that suffer or are threatened with injury resulting from a violation of the Act or a failure of the Secretary to act in accordance with the Act have standing to commence a civil suit on their own behalf.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Citizen’s Fair Hearing  
3 Act of 1996”.

4 **SEC. 2. FINDINGS.**

5       The Congress finds the following:

6           (1) The Endangered Species Act of 1973 grants  
7       broad regulatory authority to various agencies to  
8       take actions to protect, preserve, and recover species  
9       of plants and animals determined to be in danger of  
10      extinction or threatened with becoming so within the  
11      foreseeable future.

12          (2) Recently, private property owners and other  
13      persons that have been adversely impacted by Fed-  
14      eral agency actions under the Endangered Species  
15      Act of 1973 have sought to bring civil actions for ju-  
16      dicial review of those agency actions. The United  
17      States Circuit Court of Appeals for the 9th Circuit  
18      has found that plaintiffs in those actions do not have  
19      standing to bring the suits, because they do not fall  
20      into the zone of interests protected by the Endan-  
21      gered Species Act of 1973.

22 **SEC. 3. GIVING PERSONS WITH AFFECTED ECONOMIC IN-**  
23 **TERESTS EQUAL STANDING TO SUE UNDER**  
24 **THE ENDANGERED SPECIES ACT OF 1973.**

25       Section 11(g)(1) of the Endangered Species Act of  
26 1973 (16 U.S.C. 1540(g)(1)) is amended by striking so

1 much as precedes subparagraph (A) and inserting the fol-  
2 lowing:

3       “(g) CITIZEN SUITS.—(1) Except as provided in  
4 paragraph (2), any person that satisfies the requirements  
5 of the Constitution and demonstrates having suffered or  
6 being threatened with economic or other injury resulting  
7 from a violation of the Act or a failure of the Secretary  
8 to act in accordance with the Act is deemed to be within  
9 the zone of protected interests of this Act and shall have  
10 standing to commence a civil suit on his or her own be-  
11 half—”.

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